



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)
Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number: **RSW920010042US1**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number: 09/875,556	Filed : June 6, 2001
	First Named Inventor: Doss et al.	
	Art Unit 2164	Examiner Zicht, Patricia C.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

<input type="checkbox"/> applicant/inventor.	 _____ Signature Wing Yan Mok _____ Typed or printed name
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number 56,237	972-385-8777 _____ Telephone number
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	Sept. 26, 2005 _____ Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **Doss et al.**

Serial No.: **09/875,556**

Filed: **June 6, 2001**

For: **Calendar-Enhanced Directory
Searches Including Dynamic Contact
Information**

§
§
§
§
§
§
§
§
§
§

Group Art Unit: **2164**

Examiner: **Zicht, Patricia C.**

Attorney Docket No.: **RSW920010042US1**

Certificate of Mailing Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being deposited with the United States Postal Services as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 26, 2005.

By: _____

Dell Whitton
Dell Whitton

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REASONS IN SUPPORT OF APPLICANTS' PRE-APPEAL
BRIEF REQUEST FOR REVIEW**

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. 41.31 and with the rules set out in the OG of July 12, 2005 for the New Appeal Brief Conference Pilot Program.

No fee or extension of time is believed due for this request. However, if any fee or extension of time for this request is required, Applicants request that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to IBM Corporation Deposit Account No. 09-0461.

REMARKS

Applicants hereby request a Pre-Appeal Brief Review (hereinafter "Request") of the claims finally rejected in the Final Office Action mailed July 12, 2005 and the Advisory Action mailed August 31, 2005. The Request is provided herewith in accordance with the rules set out in the OG dated July 12, 2005.

The Final Office Action rejects claims 1-69 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2002/0116336 published by Diacakis et al. This rejection is respectfully traversed.

Independent claim 1, which is representative of amended claims 24 and 47 with regard to similarly recited subject matter, recites:

1. A method in a computer system for providing both directory information and dynamically updated contact information for at least one of a plurality of entities in response to a directory search, said method comprising:
 - receiving a query criteria to perform a directory search, said query criteria comprising information that is included in a directory database;
 - executing a search of said directory database that comprises static information and does not comprise dynamically updated contact information utilizing said query criteria to produce a first result, said directory database being a list of names and addresses of potential recipients;
 - invoking a dynamic contact information service utilizing said first result to search an electronic calendaring system to produce a second result containing dynamic contact information about each recipient included in said first result, said dynamic contact information being dynamically updated to indicate a recipient's current contact information and current availability that describe how the recipient can be currently contacted;
 - coalescing said first and second results to produce a coalesced result; and
 - providing said coalesced result. (Emphasis added).

Diacakis does not teach the features emphasized above in claim 1. In the Final Office Action, the Examiner relies on Diacakis's teaching in paragraph 30, in which Diacakis teaches where in one instance, an observer is not the same as a subscriber if someone requests an individual presence and availability (P&A) information just once, without placing a subscription for it. The Examiner also relies on **Figure 8** of Diacakis, which illustrates that the subscriber may navigate a list of names in the right hand

window (“Contacts Program”) to access the P&A information regarding the highlighted individual in the left hand window (“Contact Properties”).

Figure 8 of Diacakis, where Diacakis teaches a “Contacts Program” is shown below:

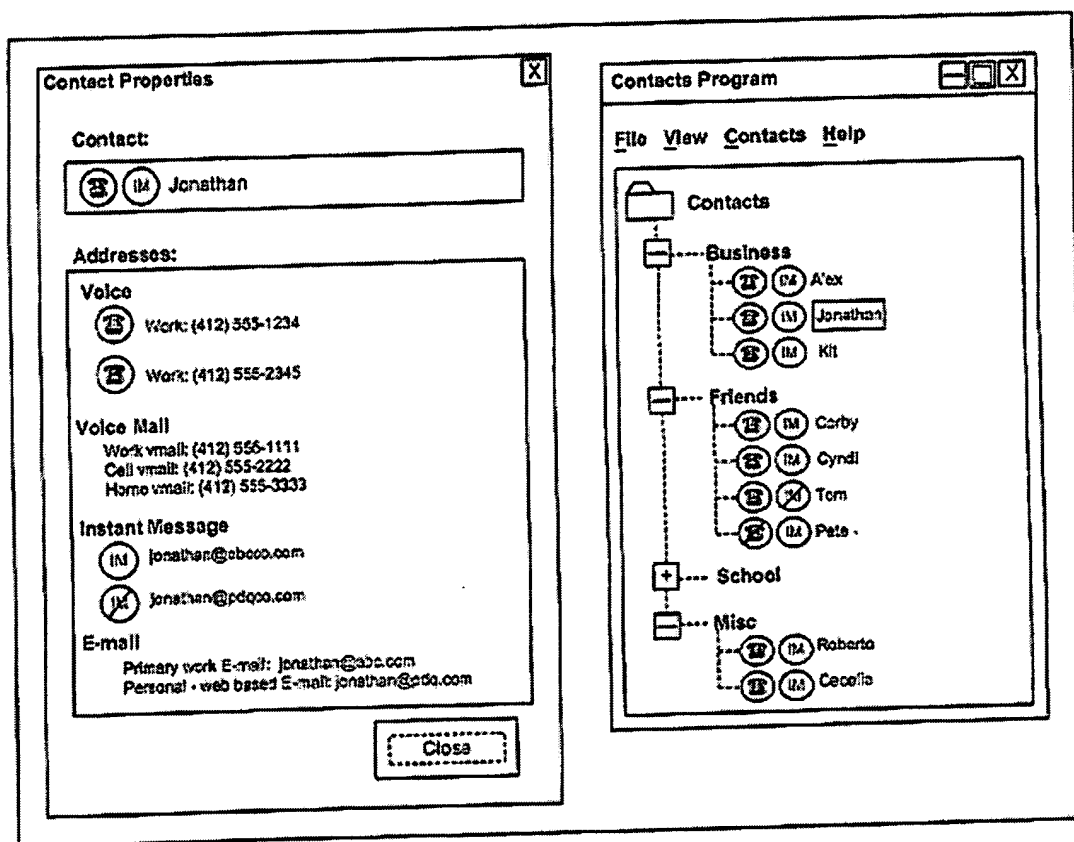


Fig. 8

As shown in **Figure 8**, the subscriber may highlight Jonathan in “Contacts Program” window to access Jonathan’s P&A information in “Contacts Properties” window. However, the P&A information that is displayed in “Contacts Program” and “Contacts Properties” is not same as a second result containing dynamic contact information that is dynamically updated to indicate a recipient’s current contact information and current availability that describe how the recipient can be currently contacted and as a result of a search of an electronic calendaring system.

To the contrary, in paragraph 29, Diacakis teaches that when an individual transmits a change in the profile to a server, the server publishes the change to each of the connected clients that are subscribers of the individual’s information. In paragraph 31, Diacakis teaches that an individual may initially configure his profile settings to instruct

the system how the information is to be distributed, for example, by assigning access levels to different groups of subscribers. Thus, the P&A information published by the server is information that is manually submitted by each individual, the P&A information not dynamically updated and certainly not a result of a search of an electronic calendaring system.

Even though the observer may have requested the individual P&A information only once as alleged by the Examiner, the P&A information that is received by the observer is still not dynamically updated and as a result of a search of an electronic calendaring system. Instead, in paragraph 34, Diacakis teaches that when the management server detects a change in the individual's situation, the P&A management server consults the individual's defined rules and preferences and transmits appropriate information to the clients based on the subscriber's access groups. Thus, the information received by the observer is not dynamic contact information being dynamically updated to indicate a recipient's current contact information and current availability that describe how the recipient can be currently contacted and as a result of a search of an electronic calendaring system. The information received by the observer is information that is predefined by the individual in the profile, instead of being dynamically updated, and is based on the individual's defined rules and preferences, instead of a search of an electronic calendaring system. Therefore, Diacakis does not teach the features of independent claim 1 of the present invention.

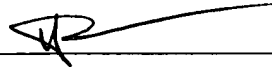
In view of the above, Diacakis does not teach each and every feature of claims 1, 24, and 47. At least by virtue of their dependency on claims 1, 24, and 47, Diacakis does not teach the features of dependent claims 2-23, 25-46 and 48-68. In addition, dependent claims 2-23, 25-46 and 48-68 of the present invention also contain additional features not found in the Diacakis reference. Accordingly, the rejection of claims 1-69 under 35 U.S.C. § 102(e) has been overcome.

It is respectfully urged that the subject application is patentable over Diacakis and is now in condition for allowance.

The Pre-Appeal Brief Conference Panel is invited to call the undersigned at the below-listed telephone number if in the opinion of the Panel such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: September 26, 2005

Respectfully submitted,



Wing Yan Mok
Reg. No. 56,237
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Agent for Applicants